

**So Ordered.**



Patina C Williams

**Patricia C. Williams**  
**Bankruptcy Judge**

**Dated: October 25th, 2013**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re:

DC No. 11-CV-361-RMP

LLS AMERICA, LLC,

Case No. 09-06194-PCW11

Debtor(s).

BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC,

Adversary No. 11-80302-PCW11

**Plaintiff(s),**

REPORT AND RECOMMENDATION  
RE: PLAINTIFF'S MOTION FOR  
ENTRY OF DEFAULT JUDGMENT  
AGAINST DEFENDANTS  
ANTHONY ALFARONE AND  
LANGSTON ALFARONE (ECF NO.  
317)

**Defendant(s).**

VS.

ANTHONY ALFARONE, et al.,

Defendant(

The Honorable Patricia C. Williams, sitting in the United States Bankruptcy Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against Defendants Anthony and Langston Alfarone (ECF No. 317) filed with the bankruptcy court in this adversary proceeding.

1        This Report and Recommendation is made pursuant to the Honorable Rosanna  
2        Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy  
3        Court for Further Proceedings entered on April 25, 2012 (ECF No. 29) in district court  
4        case No. 11-CV-361-RMP.

5        The recommendation is that plaintiff's Motion for Entry of Default Judgment  
6        Against Defendants Anthony and Langston Alfarone (ECF No. 317) be granted and  
7        the attached Default Judgment be entered in this adversary proceeding. The basis for  
8        this recommendation is that an Order of Default was entered by the bankruptcy court  
9        on September 19, 2013 (ECF No. 283).

10        //END OF REPORT AND RECOMMENDATION//

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7 Attorneys to Bruce P. Kriegman, Liquidating Trustee

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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

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| In Re:   | US District Case No. 11-CV-00361  |
| LLS AMERICA, LLC,  | Bankruptcy No. 09-06194-PCW11   |
| Debtor.  |   |
| BRUCE P. KRIEGMAN, Liquidating<br>Trustee for LLS America LLC, | Adversary No. 11-80302-PCW 11   |
| Plaintiff,   | DEFAULT JUDGMENT AGAINST<br>DEFENDANTS ANTHONY<br>ALFARONE AND LANGSTON<br>ALFARONE |
| v.   |   |
| ANTHONY ALFARONE, et al.,                                      |   |
| Defendants.  |   |

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**JUDGMENT SUMMARY**

1. Judgment Creditor: Plaintiff Bruce P. Kriegman

2. Attorney(s) for Judgment Creditors: Witherspoon Kelley

3. Judgment Debtors: Anthony Alfarone and Langston Alfarone

4. Attorney for Judgment Debtor(s): None

5. Amount of Judgment: \$32,261.00

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 **WITHERSPOON • KELLEY**  
Attorneys & Counselors

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1 6. Amount of Interest Owed to Date  
2 of Judgment: \$0.00

3 7. Interest Rate: 0.11% per annum

4 **JUDGMENT**

5 The Bankruptcy Court having previously entered an Order of Default  
6 against Defendants Anthony Alfarone and Langston Alfarone (Adv. Doc. No.  
7 283), and having reviewed the previously filed Memorandum of Authorities (Adv.  
8 Doc. No. 238), and the Affidavits of Curtis Frye and Shelley N. Ripley in Support  
9 of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised  
10 in the premises,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the  
12 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
13 Trustee for LLS America, LLC, shall have a judgment against the Defendants  
14 Anthony Alfarone and Langston Alfarone, as follows:

15 1. Monetary Judgment in the amount of \$32,011.00 USD, pursuant to  
16 11 U.S.C. § 550 and RCW 19.40.071;

17 2. Transfers in the amount of \$32,011.00 USD made to the Defendants  
18 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff  
19 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,  
20 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

21 3. All said transfers to Defendants Anthony Alfarone and Langston  
22 Alfarone are hereby set aside and Plaintiff shall be entitled to recover the same, or  
23 the value thereof, from Defendants Anthony Alfarone and Langston Alfarone for

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DEFAULT JUDGMENT-2

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1 the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and  
2 551;

3 4. All proofs of claim of the Defendants which have been filed or  
4 brought or which may hereafter be filed or brought by, on behalf of, or for the  
5 benefit of Defendants Anthony Alfarone and Langston Alfarone or their affiliated  
6 entities, against the Debtor's estate, in this bankruptcy or related bankruptcy  
7 proceedings, are hereby disallowed and subordinated to the monetary judgment  
8 granted herein and Defendants Anthony Alfarone and Langston Alfarone shall not  
9 be entitled to collect on its proof of claim (Claim No. 384-1) until the monetary  
10 judgment is satisfied by Defendants Anthony Alfarone and Langston Alfarone in  
11 full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);

12 5. A constructive trust is hereby established over the proceeds of all  
13 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

14 6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of  
15 \$250.00 USD, for a total judgment of \$32,261.00 USD, which shall bear interest  
16 equal to the weekly average of one-year constant maturity (nominal) treasury  
17 yield as published by the Federal Reserve System.

18 22 Entered this \_\_\_\_ day of \_\_\_\_\_, 2013.

23 24 HONORABLE ROSANNA MALOUF PETERSON

25 Presented by:

26 WITHERSPOON • KELLEY

27 s/ Shelley N. Ripley

28 Shelley N. Ripley, WSBA No. 28901

Attorneys for Plaintiff

29 DEFAULT JUDGMENT- 3

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